

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
IN THE MATTER OF THE COMPLAINT**

07 civ 3840 (RMS)

**DECLARATION PURSUANT TO  
28 U.S.C. § 1746 OF GORDON  
KEEN**

of

**DONJON MARINE CO., INC. as owner of Tug  
WILLIAM E. for Exoneration from or Limitation  
of Liability,**

**Petitioner.**

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**I, GORDON KEEN, declare under penalty of perjury under the laws of the United States  
of America that:**

1. I am employed by Donjon Marine Co., Inc. and was the Captain of the Tug  
WILLIAM E on January 31, 2007. I make this affidavit upon personal knowledge  
and information.
2. On or about January 25, 2007, we brought the tug to Caddell Dry Dock and  
Repair Co., Inc. for work on the hull and underwater propulsion systems.
3. Three tug crew members performed maintenance inside the tug, on the tug's main  
engines and auxiliary mechanical systems. We were mainly overhauling the tug's  
main engine. Caddell Dry Dock employees were not involved in our work.
4. We were not involved in any way in the work performed by Caddell Dry Dock's  
employees. We did not interact with Caddell Dry Dock's employees in any way.  
No member of the tug's crew supervised Caddell Dry Dock employees or  
otherwise instructed Caddell Dry Dock on how to do the work they were hired to  
perform.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 23, 2008

  
Gordon Keen